

Dec-04-03 01:49pm From-STAAS & HALSEY

202 434 1501

T-784 P.001/019 F-112

LAW OFFICES
STAAS & HALSEY LLP

Telephone
(202) 434-1500

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005

Facsimile
(202) 434-1501

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December 4, 2003

TO (FIRM): United States Patent And Trademark Office, Group Art Unit: 2873
ATTN: Examiner: Evelyn A Lester

FAX NO.: 703-872-9306 TELEPHONE: 703-308-4943

FROM: James G. McEwen *JGM*

Re: U.S. Patent Application
Serial No.: 09/665,184
For: EXPOSURE APPARATUS HAVING CATADIORPTRIC PROJECTION OPTICAL
SYSTEM
Inventor(s): Tomowaki Takahashi
Our Docket: 1539.1003RE

NO. OF PAGES (Including this Cover Sheet) | 9

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COMMENTS:

Response To Office Communication Requiring Compliance With 37 Cfr 1.173(B), Courtesy Copy Of Previously Filed Amendment Of August 7, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450
on 4 DECEMBER 2003
STAAS & HALSEY
By: Evelyn A. Lester
Date: 4 December 2003

DOCKET NO. 1539.1003RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Tomowaki Takahashi

Application No.: 09/665,184

Group Art Unit: 2873

Confirmation No.: 4343

Filed: September 15, 2000

Examiner: Evelyn A Lester

For: EXPOSURE APPARATUS HAVING CATADIORPTRIC PROJECTION OPTICAL SYSTEM

RESPONSE TO OFFICE COMMUNICATION REQUIRING COMPLIANCE WITH 37 CFR 1.173(B)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Communication mailed November 26, 2003, setting a response due date of December 26, 2003. In the Office Communication, the Examiner states that the Amendment filed on August 7, 2003 was noncompliant as the amendment to claims 6, 8, 11, 19, 22, 23, 24, 26, 35, and the new claims are not in accordance with 37 CFR 1.173(b). A copy of the Amendment is enclosed for the convenience of the Examiner.

By way of review, 37 CFR 1.173(b) requires “[e]ach changed patent claim and each added claim must include markings pursuant to para-graph (d) of this section.” 37 CFR 1.173(d) requires that “[a]ny changes relative to the patent being reissued which are made to the specification, including the claims, upon filing, or by an amendment paper in the reissue application, must include the following markings: (1) The matter to be omitted by reissue must be enclosed in brackets; and (2) The matter to be added by reissue must be underlined, except for amendments submitted on compact discs (§§ 1.96 and 1.821(c)).” As such, where an amendment is made, the underlining and bracketing are relative to the patent on which reissue is based, and are not relative to the last amendment filed as is the case in regular prosecution.

As noted on page 8, claims 6, 8, 11, 19, 22, and 24 have been amended to correct typographical errors as indicated. Where these typographical errors represented differences between the patent as issued, and the specification, as filed, and were accidentally introduced at the time of filing, no markings are shown since the amended claims are in the same form as the issued claims. Thus, claim 6, for instance, does not include any markings. However, claim 8, in which an amendment is being made to correct a typographical error in the issued patent, does

SERIAL NO. 09/665,184**DOCKET NO. 1539.1003RE**

have the required brackets. Additionally, where wording is added to the claims which existed at the issuance of the patent, as in claim 23, underlining is used, and all prior amendments are shown. However, where changes are made for claims on which reissue is based, as in claim 26, the claims remain underlined as the amended claim is relative to the issued patent. Lastly, where new claims are added, as in claim 37, the entire claim is underlined as the new claim was not in the issued patent.

Confirmation as to the style of amendment is found in MPEP 1453 in Examples 2 and 5.

Given the confusion which can result from this type of amendment style as required by 37 CFR 1.176, a courtesy marked up version was enclosed to show the changes relative to the claims as filed in the reissue application.

As such, it is respectfully submitted that the Amendment filed August 7, 2003 is compliant with 37 CFR 1.176, and it is respectfully requested that the Examiner reconsider and withdraw the Office Communication.

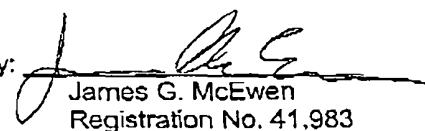
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By:



James G. McEwen
Registration No. 41,983

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

Date: Dec 4, 2003

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STAAS & HALSEY

By: Lauren E. Bender

Date 4 December 2003

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Commissioner for Patents
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Sir:

This is responsive to the Office Action mailed February 18, 2003, having a shortened period for response set to expire on May 18, 2003. A petition and fee for a three-month Extension of Time is enclosed, thereby extending the response period to August 18, 2003.

The following remarks and amendments, which are compliant with 37 CFR §1.173, are respectfully submitted.